



1. The defendants are entitled to summary judgment on plaintiff's claims as alleged in plaintiff's Complaint for the reasons set forth in the accompanying Memorandum of Law in Support of the defendant's Motion for Summary Judgment and Attachments.

2. Given the dispositive nature of this motion, the assent of the plaintiff was neither sought nor obtained.

WHEREFORE, Chief of Police Mark Montminy, in his individual and official capacities; Sergeant Mark Taylor, in his individual and official capacities; Corporal Bruce McKay, in his official capacity and the Town of Franconia, respectfully requests the following affirmative relief:

- A. Grant this Motion for Summary Judgment; and
- B. Grant such further relief as is proper and just.

Respectfully submitted,

**TOWN OF FRANCONIA BOARD OF  
SELECTMEN  
CHIEF MARK MONTMINY  
SERGEANT MARK TAYLOR**

By their Attorneys

**RANSMEIER & SPELLMAN  
PROFESSIONAL CORPORATION**

Dated: November 15, 2011

By: /s/ Daniel J. Mullen, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was forwarded to all counsel of record via ECF and via first class mail to Gregory Floyd at the NH State Prison for Men – TWC, PO Box 14, Concord, NH 03302

Date: November 15, 2011

/s/ Daniel J. Mullen  
Daniel J. Mullen